

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

WENDY DOYLE,)
Plaintiff,)
)
v.) Case No. 04-754-CJP¹
)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

ORDER

Before the Court is plaintiff Doyle's motion for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (**Doc. 23**). Plaintiff has also supplemented her motion with a request to adjust the statutory hourly rate for attorney's fees from \$125.00 per hour for inflation, making the rate \$154.00 per hour. (**Doc. 24**). The defendant Commissioner has not responded to either motion.

A review of the record reveals that, by stipulation between the parties and pursuant to sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner of Social Security denying plaintiff disability benefits was reversed and remanded, and judgment was entered accordingly. (**Docs. 21 and 22**). The Equal Access to Justice Act, 28 U.S.C. §§ 2412(a) and (b), provide that costs and attorney's fees are recoverable in such a situation. Section 2412(d)(2)(A) further provides for increasing the statutory hourly rate for attorney's fees, as calculated by plaintiff. Moreover, it appears that the Commissioner concedes the point in light of the stipulation between the parties and the Commissioner's failure to respond to plaintiff's motions.

¹Upon the consent of the parties (**Docs. 9 and 16**), this case was transferred from District Judge Michael J. Reagan to Magistrate Judge Clifford J. Proud (**Doc. 17**) pursuant to 28 U.S.C. § 636(c)(1) for all further proceedings and entry of final judgment.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §§ 2412(a), (b) and (d)(2)(A), defendant JoAnne B. Barnhardt, in her official capacity as Commissioner of Social Security, shall pay plaintiff Wendy Doyle **\$2,989.14** for attorney's fees incurred in this case; said amount represents 19.41 hours of work at a rate of \$154.00 per hour.

IT IS SO ORDERED.

DATED: December 7, 2005

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE